

REMARKS

Claims 1, 5, 6, 17-21, 24, 27, and 30 are pending in the current application. Claims 1, 5, 6, 17-21, 24, 27, and 30 are currently amended. Claims 2-4, 7-16, 22, 23, 25, 26, 28, 29 31, and 32 are canceled.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 5-6, and 9-10 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner asserts the term “computer readable medium” is not described in Applicants’ specification in such a way as to reasonably convey to one of ordinary skill in the relevant art that Applicants, at the time the application was filed, had possession of the claimed subject matter. Though Applicants do not necessarily agree, for the purpose of further prosecution, claims 1 and 5-6 have been amended to replace the term “computer readable medium” with the term present in Applicants’ originally filed specification, “recording medium”. Accordingly, Applicants respectfully submit, claims 1 and 5-6 clearly meet the requirements of §112, first paragraph.

Therefore, Applicants respectfully request the rejection of claims 1 and 5-6 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claim Rejections – 35 U.S.C. § 101

Claims 17, 19, 21-23, 27-29, and 33 stand rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention.

The Examiner asserts that a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as an article or material), or (2) transform underlying subject matter (such as an article or material) to a different state or thing.

Applicants respectfully submit claims 17 has been amended to specifically recite a reproducing device, and claim 19 has been amended to specifically recite a recording device. Accordingly, both claims 17 and 19 are clearly tied to another statutory category. Consequently, Applicants respectfully submit, claims 17 and 19, and the claims depending from claims 17 and 19, meet the requirements for a statutory process under §101.

Therefore, Applicants respectfully request the rejection of claims 17, 19, 21, and 27 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato et al. (US 7,236,687, hereinafter “Kato”), further in view of Murase et al. (US 6,400,893, hereinafter “Murase”). Applicants respectfully traverse this rejection.

First, claim 1 recites “the type indicator indicating that the clip information file is related to managing presentation of the still image”. The Examiner identifies the clip information section illustrated in FIGS. 2 and 3 of Kato as the clip information file recited in claim 1. The Examiner then identifies the clip_stream_type illustrated in FIG. 46 of Kato as the type indicator recited in claim 1. However, the clip_stream_type taught by Kato only indicates the contents of an associated clip stream (Kato: col. 24, ln. 18-22). Kato does not teach an indicator that indicates whether the clip information file is related to management information. Specifically, Kato fails to teach a type indicator “indicating that the clip information file is ***related to managing presentation*** of the still image”. Murase likewise fails to teach this limitation.

Next, claim 1 has been amended and now recites “wherein each still image in the clip stream file is recorded as a packetized elementary stream packet, and one still

image is represented by one packetized elementary stream packet, and the clip stream file begins with a header of a packetized elementary stream packet". As even a cursory review of Kato and Murase reveals, neither Kato nor Murase, alone or in combination, teach these limitations.

Accordingly, for at least the reasons stated above, neither Kato, nor Murase, alone or in combination, teach each of the limitations of claim 1. Consequently, the Examiner cannot establish a *prima facie* case of obviousness with respect to claim 1, or any claims depending from claim 1, as is required to support a rejection under §103.

Further, claims 17-20 contain limitations at least somewhat similar to those of claim 1. Accordingly, for at least the reasons stated above with respect to claim 1, neither Kato, nor Murase, alone or in combination, teach each of the limitations of any of claims 17-20. Consequently, the Examiner cannot establish a *prima facie* case of obviousness with respect to claims 17-20, or any claims depending from claims 17-20, as is required to support a rejection under §103.

Therefore, Applicants respectfully request the rejection of claims 1 and 17-20 under 35 U.S.C. § 103 be withdrawn.

Claims 5-6, 9-10, and 21-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kato and Murase as applied to claims 1, and 17-20 above, and further in view of Yamauchi et al. (US 2003/0014760, hereinafter "Yamauchi").

The deficiencies of Kato and Murase are discussed above and are relevant here because claims 5-6, 21, 24, 27 and 30 each depend from one of claims 1 and 17-20. Yamauchi fails to remedy these deficiencies. Accordingly, at least by virtue of their dependence from claims 1 and 17-20, none of Kato, Murase and Yamauchi, alone or in combination, teach each of the limitations of any of claims 5-6, 21, 24, 27 and 30.

Consequently, the Examiner cannot establish a *prima facie* case of obviousness with respect to any of claims 5-6, 21, 24, 27 and 30 as is required to support a rejection under §103.

Therefore, Applicants respectfully request the rejection of claims 5-6, 21, 24, 27 and 30 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 5, 6, 17-21, 24, 27, and 30 in connection with the present application is earnestly solicited.

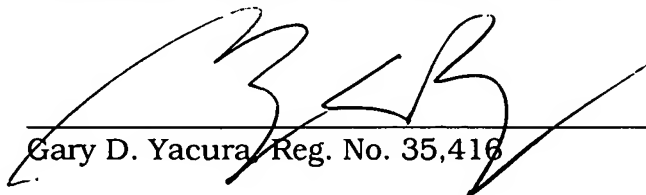
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



Gary D. Yacura Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/JHA: tlt